

**Statement by Marnie M Russ for *The American Society
for the Prevention of Cruelty to Animals***

**Testimony before the Montana House of Representatives Agriculture
Committee
On HB 439, the Montana Pet Protection Act**

February 21, 2013

Good afternoon. My name is Marnie Russ and I am the President of Rocky Mountain Capitol Consulting, a Montana based business in Washington, DC. I am also a lobbyist for the American Society for the Prevention of Cruelty to Animals for the State of Montana.

Montana members of the ASPCA live in almost every community throughout our amazing state. Over the last five years, we have given over \$333,000 in grants to shelters, rescues and animal organizations in Montana.

A puppy mill is a large-scale commercial dog breeding operation that places profit over the well-being of its dogs—who are often severely neglected—and acts without regard to responsible breeding practices. Despite the intense suffering of these dogs, puppy mills are operating all over the United States. There is no way of knowing for sure, but it is thought that Montana plays host to at least 20 to 25 puppy mills. Since the state does not currently require these facilities to be licensed, there is no way to track them.

The federal Animal Welfare Act does set minimum welfare standards for dogs in puppy mills, but these standards are extremely inadequate and there is a massive regulatory loophole which exempts from federal oversight any commercial dog breeders who sell directly to the public, including over the internet. Under USDA regulations, dogs are legally kept in abhorrent conditions—spending their entire lives crammed in filthy, overcrowded stacked cages, often in poor health—as they are forced to produce multiple litters of puppies who are sold to unwitting consumers. In 2010, the Office of the Inspector General released a report that revealed to the public that while the USDA has conducted regular inspections of large-scale breeders, the agency has consistently either insufficiently or completely failed to enforce AWA. I would be happy to provide the members of this committee with a copy of the report if anyone would like to review it. Regulatory deficiencies coupled with poor enforcement means that breeding dogs, who often spend their entire lives in these places, are not provided with even the most basic care.

For this reason it is imperative that states set standards of care for dogs in commercial breeding facilities and take enforcement into their own hands. In

fact, all but 14 states have laws in place regulating large-scale dog breeders with several puppy mill bills currently making their way through state legislatures.

These laws are set up to protect responsible breeders. Responsible breeders do not keep more dogs than they can adequately care for. They provide all of their dogs with proper veterinary care, nutrition, and grooming, and ensure that the dogs are housed in humane and safe conditions at all times. They do not keep dogs in tiny cages 24 hours a day or breed them at every opportunity. They perform genetic testing to ensure that genetic and hereditary conditions are not passed from one generation to the next. And they screen potential buyers to make sure that their puppies will be well cared for in their new homes. Responsible breeders already meet, and typically exceed, the standards of care we are asking for here today.

ASPCA responders routinely assist local authorities and shelters in shutting down substandard puppy mills throughout the United States. Taking into account the cost of shelter supplies, veterinary care, staffing and travel expenses, the average cost of a puppy mill seizure goes beyond \$26 per animal per day. We know that the Malamute case cost over \$500K and the English Shephard case cost Yellowstone County \$250K. Improving the standards of care would prevent breeding operations from reaching a point where a raid is necessary, in turn saving taxpayers money. Additionally, requiring annual inspections of licensed breeding facilities will help lessen the chances that a facility will spiral so far out of control that it needs to be shut down.

Montana needs to take this opportunity to pass HB 439 to keep large-scale commercial breeders out of the state. Mr. Chiliniski has been very vocal about the fact that he came to Montana to set up his business because the state does not require breeders to be licensed or inspected. He is not the first egregious breeder to take advantage of our lenient laws. He certainly is not the only one, and he will not be the last puppy mill incentivized to conduct this morally reprehensible business in our state as more states increase regulation of this industry. Therefore, it is imperative that the state of Montana adopt reasonable measures to regulate this industry. Thank you.